IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No.16795 of 2005**
**Date of Decision: 9.10.2006**

**Jalandhar Ludhiana Transport Company Registered, Jalandhar.**
Petitioner

versus

**State Transport Appellate Tribunal, Punjab and another**
Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

**HON'BLE MR. JUSTICE PRITAM PAL**

Present: Shri Baldev Kapoor, Advocate for the petitioner
Shri P.S.Chhina, Additional Advocate General, Punjab

**Jasbir Singh, J. (Oral)**

This writ petition has been filed with a prayer to issue a writ of certiorari to set aside the order Annexure P/4 dated 2.9.2005, to the extent of grant of half return trip in favour of the petitioner has been withheld and only one permit with half trip has been granted in favour of the petitioner.

It is not in dispute that initially, vide notice published on 22.3.1988, applications were invited for grant of four regular stage carriage permits, to ply two return trips daily on Sultanpur to Nangal via Kapurthala, Jalandhar etc. route. In response thereto, many applications were received. After adopting due procedure, two permits with one return trip, were granted in favour of the Pepsu Road Transport Corporation and one permit with half return trip each was granted in favour of Janta Express Bus Service Regd. Ropar and Randhir Kaur, Tarsem Singh, VPO Bundala, Distt. Jalandhar.

Petitioner, feeling dissatisfied went in appeal against the order, referred to above. It has been stated at the bar that only one appeal was filed against the order passed by the State Transport Commissioner. It is

also not in dispute that the route in question is not a monopoly route. During pendency of the appeal, two stage carriage permits, granted in favour of the Pepsu Road Transport Corporation were surrendered by it. The petitioner has contended before the appellate Tribunal that those permits be granted to it as the petitioner is ready to operate its buses on the said route. A report was called for and it was found to be correct that the Pepsu Road Transport Corporation is not interested in operating on the route, for which two permits were granted to it. By taking note of those facts, the appellate Tribunal has observed thus:-

> *"I have given my thoughtful consideration to the matter. Under Rule 80(1) of the Punjab Motor Vehicles Rules, 1989, the holder of a permit has been given the liberty to surrender it to the permit granting authority, at any time and the permit granting authority is then required to cancel it forthwith. That means that the permits, surrendered by respondent No.2 no more survive. Under Rule 128(1), applications for permits under Chapter VI of the Act have to be submitted by the STUs as well as the private applicants, as and when the same are invited by the concerned RTA, through a public notice. However, the first proviso to this Rule lays down that the STUs may make an application for the issue of a stage carriage permit on inter-State or Monopoly routes, at any time. For making applications on these two routes, the STUs have not to wait for a public notice, inviting applications. The route in question is neither an inter-State nor a Monopoly route. Therefore, after surrender of the permits, respondent No.2 does not have a right to apply for permits on the route in*

*question at any time. Public interest is the paramount consideration for grant of stage carriage permits. In this case, need for permits existed when the applications were invited by the RTA on the route in question. Four permits were actually granted. Two of them were granted to respondent No.2, which have been surrendered by it. Consequently, the travelling public is suffering inconvenience for want of two services, dis-continued by respondent No.2. In this situation, I am of the view that the appellant deserves to be granted one permit with half a trip on the route in question on regular basis in the public interest. Since the other two private operators (respondent Nos.3 and 4) were also granted one permit with half a return trip daily only on the route in question, the request of the appellant for the grant of two permits with one return trip cannot be conceded."*

It is apparent from the passage extracted above, that while allowing appeal of the petitioner, one stage carriage permit with half return trip was granted in favour of the petitioner, solely on the ground that respondent Nos.3 and 4, whose names have been referred to above, were granted only one permit with half return trip.

Counsel for the petitioner states that the reasoning given is not justified, as those respondents had applied only for grant of one stage carriage permit and not for two, whereas, application of the petitioner was for grant of two permits with one return trip. To say so, he has referred to the document Annexure P/1, where it is so mentioned. Counsel further submits that under similar circumstances, a Division Bench of this Court in *Amloh Bus Service (Regd.) v. State of Punjab and others* (CWP No.18713 of

*2003), decided on 27.3.2006*, had ordered the grant of two regular stage carriage permits with 2 ½ return trip.

This Court feels that the ratio of the judgment, referred to above, squarely covers the controversy in the present case. It is also not in dispute and is apparent from the records that the petitioner had applied for grant of two permits with one return trip. The reasoning given by the appellate Tribunal, to decline relief to it, is not sound. Accordingly, this writ petition is allowed, order passed by the appellate Tribunal is modified and it is ordered that two stage carriage permits with one return trip be granted in favour of the petitioner, if no other appeal was filed by any of the applicants.

**( Jasbir Singh )**
**Judge**

**October 09, 2006** **( Pritam Pal )**
*gk* **Judge**